

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER STALUPPI and GEORGE
LIGHTHISER,

Plaintiffs,

-against-

EVR FOODS, INC., ELIZABETH
FISHER, VIVIAN ROSENTHAL, and
REBECCA CROSS,

Defendants.

20-cv-6132 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Plaintiffs Peter Staluppi and George Lighthiser bring numerous claims against defendants EVR Foods, Inc., Elizabeth Fisher, Vivian Rosenthal, and Rebecca Cross related to the pili nut-based yogurt product known as Lavva. Before the Court are defendants' motions to dismiss the Complaint and First Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(6), and 9(b) for lack of personal jurisdiction, failure to state a claim upon which relief can be granted, and failure to plead fraud with particularity, respectively.

Upon consideration, the Court denies defendants' motion to dismiss the breach of contract claim (First Cause of Action) and grants defendants' motions to dismiss as to the remainder of plaintiffs' claims. An opinion explaining the reasons for this ruling will follow in due course.

SO ORDERED.

Dated: New York, NY

November 9, 2020

A handwritten signature in black ink, appearing to read 'Jed S. Rakoff', is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.